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Clean Water Act Team
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US Environmental Protection Agency, Region 2
City View Plaza, Suite 7000
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Guaynabo, PR 00968-8069

Re: National Pollutant Discharge Elimination Stormwater Inspection
Coal-Fired Steam Power Plant and Marine Cargo Handling Facility
MSGP Tracking Number PRR053093

Dear Mr. Rivera:

We acknowledge receipt of your National Pollutant Discharge Elimination ("NPDES") Stormwater Inspection letter ("Inspection Letter") received by AES Puerto Rico, L.P. ("AES-PR") on September 18, 2018. The Inspection Letter provides forty-five (45) calendar days from the receipt to submit a response to each of the findings, (hereinafter referred to as "observations"). As you are aware of, on November 1, 2018, AES requested, and United States Environmental Protection Agency ("EPA") granted, an extension of six (6) working days to submit its response to the findings described in the Inspection Letter.

As requested, AES-PR is hereby addressing each of the observations described within the Inspection letter that comprised a review of the Facility's records and a Facility walkthrough.

I. Introduction

On July 16 and 17, 2018, approximately ten months following the impact of hurricanes Irma and Maria, the EPA performed an Inspection at our facilities to assess whether AES-PR implemented the corrective actions to address certain findings included in the Notice of Violation ("NOV") letter that EPA issued on August 3, 2017[1], (34 days prior hurricane Irma and 47 days prior hurricane Maria). In addition, the inspection evaluated AES's compliance with the NPDES Multi-Sector General Permit for Stormwater Discharges from Industrial Activity ("MSGP").

[1] AES-PR addressed the findings included in the NOV letter and provided response to EPA on August 25, 2017.

In connection with both hurricanes, on December 21, 2017, EPA issued a guidance document ("Post-Hurricanes Guidance Document") to provide temporary relief to parties that were unable to meet certain requirements and conditions included in the MSGP. Albeit the Inspection Letter states that the EPA Inspector sent to AES the Post-Hurricanes Guidance Document via electronic mail on December 21, 2017, we hereby clarify that AES received the document via email on January 5, 2018. See, **Attachment 1**.

To provide additional perspective regarding the effects of hurricanes Irma and Maria over AES' operation, it is worth noting that after 135 days of Maria's landfall, on February 2, 2018 AES was able to reinitiate energy generation at half of its capacity[2]. AES was able to return to its normal generating capacity on March 19, 2018.

The Post-Hurricanes Guidance Document is a commendable effort by EPA to provide temporary relief to the MSGP regulated community. Nonetheless, today it is safe to say that effects of these catastrophic events, as well as the extent of time and efforts it would take to rebuild and return to normal operations across the island, were completely unpredictable.

AES-PR is committed to compliance and we take these matters very seriously. Thus, in tune with the general spirit of the Post-Hurricanes Guidance Document, AES has, to the best of its ability, taken all reasonable steps to prevent any discharge of pollutants associated with the stormwater at its facility while concentrating its efforts for the majority of 2018 in taking its operations back to normal. In this regard, it is worth clarifying that both the Storm Water Runoff Pond and the Coal Pile Runoff Pond, which together retain the majority of the stormwater that gets in contact with industrial activities at the facility, are redirected to the "18 million gallon pond". As EPA is aware of, water in the "18 million gallon pond" is used at the facility for the operation of the plant and is not discharged through any of the regulated stormwater discharge points.

II. **Responses to Findings in the Inspection Letter**

AES-PR's responses herein follow the same order as the observations included in the Inspection letter.

- ***Review of Records. 7.a. Employee Training:***
  - AES did not conduct employee training in 2017 and 2018. The employee training that AES provided in 2016 did not include field personnel responsible for the installation, maintenance, and/or repair of controls, such as those individuals that are responsible for the implementation of the Facility's dust control activities.

AES-PR Response: During 2016 AES conducted stormwater training sessions on February 8th, March 11th and June 14th. These trainings included members of the pollution prevention team and field personnel responsible for the installation, maintenance, and/or repair of storm water controls. Personnel responsible for the implementation of the Facility's dust control activities was

[2] https://www.elnuevodia.com/noticias/locales/nota/aespuertoricooperaamediacapacidad-2395162/

trained on February 8th. Copy of the signed attendance sheets for these trainings is provided herein as **Attachment 2**.

The 2017 stormwater training sessions were programmed for the third quarter of the year. Nevertheless, the impact of hurricanes Irma and Maria on September 2017 compromised telecommunications, access to electric power and other essential services across the Island until past the first quarter of 2018. AES-PR was concentrating in identifying and assessing the damages suffered by the Facility and bringing the Plant back to operation to provide electricity, an essential service to the people of Puerto Rico. Also, because of the lack of cellphone service and internet up until, at least, the beginning of January 2018, the ability to reach the personnel to provide and receive training was hindered; therefore, AES' training schedule was delayed to the point in which the training sessions were postponed for 2018. The well documented damages caused by hurricane María also altered the availability and distribution of resources at the AES-PR facility during the first half of 2018 affecting the year-round working schedules and the overall planning and implementation of training sessions. As a consequence, and to the best of its ability, AES was unable to organize and conduct employee training on or before April 30, 2018.

Nevertheless, AES-PR hereby notes and informs that the 2018 Stormwater and Dust Control trainings were provided on October 8, 2018 and October 23, 2018, respectively. Training included the Dust Control Group and the SWPPP Management. Copy of the signed attendance sheets is provided herein as **Attachment 3**.

- ***Review of Records: 7.b. Routine Facility Inspections***
  - EPA Inspector found that the forms "Storm Water Industrial Routine Facility Inspection Form" that AES used to document the routine facility inspections were not signed and certified by an AES official, as required in Appendix B, Subsection 11 of the MSGP. Rather the forms were signed and certified by the inspector that performed the routine facility inspections.

AES-PR Response: The Quarterly Routine Facility Inspection Form has been revised to include the signature of the Plant Manager or designee. See, **Attachment 4**.

- ***Review of Records. 7.b.1. Routine Facility Inspections***

  - The EPA Inspector observed during the walkthrough of the Facility that a diversion system (speed bump) was installed near the metal grate associated with Outfall 002. The inclination of the speed bump will divert runoff into a vegetated area near outfall 002.

AES-PR Response: We are uncertain as to the purpose of the abovementioned observation; the diversion system is a corrective action which was implemented in accordance with a finding identified in a Routine Facility Inspection on March 23, 2017 and documented in the Routine Facility Inspection Form. However, we provide the following information:

The diversion system installed above the metal grate associated with Outfall 002 intercepts and diverts surface runoff originating upslope so that it will not overrun the grate and exit the facility and any sediments carried by the runoff stream are reasonably expected to be removed by filtration though the vegetated buffer near Outfall 002. This is appropriate because the vegetated buffer will capture the sediment carried on by the first flush in a stormwater event.

- ***Review of Records. 7.b.2. Routine Facility Inspections***
  - The AES inspector did not indicate the specific location, the length of the affected area, and the expected timeframe to address his finding concerning the silt fence. The AES inspector did not mention whether AES constructed the diversion system described in the previous routine facility inspection, and the conditions he observed of this runoff diversion structure.

AES-PR Response: Section 3.1.2 of the 2015 MSGP, *Routine Facility Inspection Documentation*, requires documenting "the findings of your facility inspections and maintain[ing] this report with your SWPPP". We understand that this Section does not require that the inspector indicate, within the documentation requested therein, the specific location, length of the affected area and/or the expected timeframe to address each finding of a facility inspection or provide a description to depict with absolute certainty the location where the finding was identified. To assist the facility's field personnel, which continuously is the same personnel[3] that conducts the *Routine Facility Inspection*, locates and sizes each finding, the corresponding *Corrective Action Documentation* includes a photograph of the finding that is keyed to a specific number assigned on the Facility's Routine Inspection Form and on the facility's Site Map depicting the location of the BMPs. The Facility's Routine Inspection Form Documentation is hereby provided as **Attachment 5**. The Facility's Site Map depicting the location of the BMPs is also provided. See, **Attachment 6.** The method used to indicate the location has proven to be effective throughout the implementation of the MSGP.

Furthermore, we understand that Section 3.1.2 of the 2015 MSGP does not require that the inspector address any previous Routine Facility Inspection Findings or identified corrective actions in the facility inspection documentation. However, we would like to note that, at the time of the May 30, 2017 inspection, the diversion system identified in the March 23, 2017 routine facility inspection had been constructed in a timely manner and was documented through the corresponding corrective action dated April 12, 2017. See, **Attachment 7**.

- ***Review of Records. 7.b.3. Routine Facility Inspections***
  - It is unclear which silt fence area of the coal storage pile was replaced and which one remains in need of replacement. The Storm Water Industrial Routine Facility Inspection Form did not include a timeframe to address the finding. AES did not

[3] Routine Facility Inspections are conducted by Pedro Labayen, PE. Mr. Labayen takes additional personnel with him to conduct the inspection and identifies the findings with them. The findings are then marked on the Routine Facility Inspection Form which is linked to the Facility's Site Map that includes a legend used to identify BMPs with different numbers. The finding regarding a BMP is identified on the map per the number assigned to each BMP.

make available a written evaluation of an external contractor to reduce or eliminate the discharge of vehicle tracked solids through outfall 002.

AES-PR Response: The Routine Facility Inspection form indicates that the **north** section of the coal storage pile was replaced and the **west** section needed replacement and that the new silt fence had been ordered. We understand that Section 3.1.2 of the 2015 MSGP, *Routine Facility Inspection Documentation,* does not require that the inspector indicate the specific location, length of affected area and the expected timeframe to address each finding. To assist the facility's field personnel, which is the same personnel that conducts the *Routine Facility Inspection,* locates and sizes each finding, the corresponding *Corrective Action Documentation* includes a photograph of the finding that is keyed to a specific number assigned on the facility's Site Map which depicts the location of the BMPs. AES completed the replacement of the **west** section of the silt fence on June 30, 2018. See, **Attachment 8**.

After the impacts of Hurricanes Irma and Maria, which occurred about a month after the August 11, 2017 inspection, AES-PR concentrated its efforts in identifying and assessing the damages suffered by the Facility and bringing the Plant back into operation at the soonest - to provide the much needed electric power to the people of Puerto Rico. On the other hand, we hereby inform that AES-PR has contacted a consultant to conduct a hydrologic/hydraulic (HH) study to address in more detail EPA's recommendation to address the Iron concentration being detected at Outfall 002 – to "catching the first flush." The study is aimed at determining the runoff volume resulting from 2, 5 and 10 year-storm events and to make recommendations as to capturing the "first flush"; this, again, as recommended by EPA. The study is expected be completed in about 120 days.

- ***Review of Records. 7.b.4. Routine Facility Inspections***
  - The AES inspector did not indicate the specific locations within the concrete swale that required maintenance. AES did not make available a written evaluation of an external contractor to reduce or eliminate the discharge of vehicle tracked solids through outfall 002.

AES-PR Response: As previously stated, it is our understanding that Section 3.1.2 of the 2015 MSGP, *Routine Facility Inspection Documentation*, does not require that the specific locations of a BMP requiring maintenance be indicated in the documentation related to the routine facility inspection. To assist the facility's field personnel, which is the same personnel that conducts the *Routine Facility Inspection*, locates and sizes each finding, the corresponding Corrective Action Documentation includes a photograph of the finding that is keyed to a specific number assigned on the facility's Site Map which depicts the locations of the BMPs.

In connection with the availability, or lack thereof, of a written evaluation of an external contractor to reduce or eliminate the discharge of vehicle tracked solids through outfall 002, please see response to observation ***7.b.3.*** *above.*

- ***Review of Records. 7.b.5. Routine Facility Inspections***

    - The AES inspector did not indicate the specific locations within the concrete swale that required maintenance. The AES inspector did not provide a timeframe for the maintenance and sediment removal.

AES-PR Response: Again, we understand that Section 3.1.2 of the 2015 MSGP, *Routine Facility Inspection Documentation*, does not require that the inspector indicate in the documentation related to the routine facility inspection the specific location of a finding the expected timeframe to address each finding. To assist the facility's field personnel, which is the same personnel that conducts the *Routine Facility Inspection*, locate and size each finding, the corresponding *Corrective Action Documentation* includes a photograph of the finding that is keyed to a specific number assigned on the Facility's Routine Inspection Form and on the facility's Site Map depicting the location of the BMPs. See, **Attachment 5** & **Attachment 6**.

Even though it is our understanding that nothing is provided in Section 3.1.2 of the MSGP regarding a timeframe for the implementation of a corrective action such as the removal of sediment, AES's SWPPP provides a timeframe for the maintenance and sediment removal as part of the periodic maintenance activities. Also, the SWPPP provides a timeframe as to when the sediment trap, the concrete swale and other BMPs will be maintained and/or cleaned.

- ***Review of Records. 7.b.6. Routine Facility Inspections***
    - The AES inspector documented, once again, the finding about the silt fence, which was observed and documented during the previous routine facility inspection.

AES-PR Response: Although the abovementioned statement is not discussed in the Inspection Letter as a finding we hereby note that the silt fence repair is ongoing.

- ***Review of Records. 7.c. Quarterly Visual Assessment of Stormwater Discharges***
    - For the October to December 2017 quarterly period, all samples were taken for all three outfalls on November 13, 2017, but the amount of rain precipitation was not written in the documentation. For the January to March 2018 quarterly period, AES did not take any samples. Documentation supporting the rationale for not taking the samples was not developed.

AES-PR Response: Precipitation data for the fourth quarter of 2017 was not accessible from the AES weather stations at the time of the visual assessment of the samples because of the lack of network connection that prevented the rain gauge from communicating with the data collection console. Therefore, the rain precipitation was not immediately recorded at the time of the visual assessment. Precipitation data for the indicated period was successfully retrieved at a later time. AES-PR hereby provides the Quarterly Visual Assessment Documentation and its supplement for the October to December 2017 quarterly period. See, **Attachment 9**.

No samples were taken during the first quarter of 2018 because the precipitation during that period did not result in a stormwater event with a measurable amount of precipitation. See further discussion bellow. To evidence that, in fact, no stormwater event occurred we hereby provide AES-PR's Quarterly Visual Assessment Documentation for the above referenced quarter.[4] If there was any visual assessment it would had been documented on AES-PR's Quarterly Visual Assessment Documentation. See, **Attachment 10**.

AES-PR wants to clarify that its rainfall data collection procedure is not based "on the use of automatic samplers located at all three sampling points" as stated on page 8 of the Inspection Letter. AES-PR has two automatic weather stations. Data collected from weather Station 1 is used for the preparation of EPA reports. Station 2 will be used only if there is a data loss or malfunction of Station 1. Station 1 collects weather data and sends it to a console via wireless low power radio. Each weather station contains a rain gauge; when the rain gauge collects a certain quantity of rainfall, it activates the automatic sampler located at Outfall 001, 002 and 003 in order to trigger the collection of a sample. AES has based its Rain Gauge SOP on the use of state-of-the-art wireless, solar powered, automatic weather station technology.

- ***Review of Records. 7.c. Quarterly Visual Assessment of Stormwater Discharges***
  - Based on the rain data and the Rain Gauge SOP, a sample should have been taken at Outfall 001 on February 12, 2018. For the April to June 2018 quarterly period, AES took samples at all three outfalls on April 26, 2018; however, the documentation that AES provided during the July 16, 2018 review of records was not signed. The documentation was signed on July 17, 2018, the second day of the Inspection, and it was shown to the EPA Inspector during the review of records.

AES-PR Response: Regarding the statement that the documentation provided by AES-PR was not signed on July 16, 2018, but was later signed on July 17, 2018, we point out that the abovementioned documentation was signed on July 17, 2018 per the recommendation of EPA's inspector, Mr. José A. Rivera.

During the month of February 2018, the automatic samplers were not operational due to damage caused by hurricane Maria and stormwater discharge sampling was performed manually per Section VIII of the Storm Water Sampling Procedure Protocol (SOP), triggered by rainfall data from the automatic (and Outfall-remote) weather stations during regular daytime work hours (*i.e.*, 8:00 a.m. to 4:00 P.M., Monday to Friday).

Because of the random nature of rainfall distribution, the automatic weather station rain gauge, which is located in the main facility -a mile away from Las Mareas Harbor, where Outfall 001 is located, may have detected rainfall and no precipitation may have occurred in the vicinity of Outfall 001. This is verified when AES-PR personnel inspects the Outfall to corroborate that there was no precipitation. Another possibility is that precipitation may have occurred, but not

[4] The AES-PR Quarterly Visual Assessment Documentation records **all** eight items required by Section 3.2.2 of the 2015 MSGP.

during regular daytime working hours. However, on February 12, 2018 there was no stormwater event that triggered the need to conduct a stormwater sample.

- ***Review of Records. 7.d. Corrective Actions.***
  - The corrective action documents were not signed and certified, as required in Part 4.4 of the MSGP.

AES-PR Response: The corrective action documents used by AES-PR are based on EPA's Additional MSGP Documentation Template (June 4, 2015)[5]and included in the SWPPPs previously submitted to EPA. AES-PR has revised the Corrective Action Documentation to include signature and certification requirements in Part 4.4 of the MSGP. See, **Attachment 11**.

- ***Review of Records. 7.d.1. Corrective Actions.***
  - During the review of the SWPPP, which was revised in April 2017, the EPA Inspector could not determine whether AES revised the SWPPP to include the new controls implemented as a result of the corrective action.

AES-PR Response: The SWPPP revision was completed on March 2017 and signed during April 2017; the installation of the new storm water diversion controls was completed on April 22, 2017 and, therefore, was not included in said revision. Even though the new control was not included in the former revision, please note that such control was constructed and is included in the latest revision of the SWPPP Site Map, which was completed in October 2018, and in the latest revision of the Routine Inspection Form. See, **Attachments 5 & 6**.

- ***Review of Records. 7.d.2. Corrective Actions.***
  - The corrective action was implemented beyond the timeframe established in Part 4.3.2 of the MSGP. AES did not send to EPA a notification of its intention to exceed 45-day deadline established in Part 4.3.2 of the MSGP, the rationale for an extension of time and a completion date.

AES-PR Response: AES-PR notes that the Corrective Actions Documentation form has been revised to clarify completion dates information and AES-PR's notification to EPA including the need to exceed the 45-day timeframe extension under Part 4.3.2 of the MSGP, the rationale for an extension of time and a completion date. See, **Attachment 11**.

- ***Review of Records. 7.d.3. Corrective Actions.***
  - The documentation did not provide a completion date for the soil stabilization. AES did not document the findings leading to this corrective action in any of the Storm Water Industrial Routine Facility Inspection Forms that AES prepared prior to the routine facility inspection conducted on August 11, 2017.

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[5] EPA's Additional MSGP Documentation Template (June 4,2015) can be found here: https://www.epa.gov/npdes/stormwater-discharges-industrial-activities#summarymsgp

AES-PR Response: The findings leading to the soil stabilization corrective action, originated from an EPA inspection performed on July 21, 2017, and not from a routine facility inspection. Mr. Pedro Labayen documented the findings leading to this corrective action in the August 11, 2017 Routine Facility Inspection Documentation. See, **Attachment 12**. The Corrective Action Documentation was created on the same day that EPA conducted the inspection (July 21, 2017). See, **Attachment 13**. We hereby provide evidence that soil stabilization was completed and documented through photographs on August 31, 2017. See, **Attachment 14**.

- ***Review of Records. 7.d.5. Corrective Actions.***
  - The corrective action documentation did not indicate the completion date for coal pile regrading, maintenance of buffer zone and sampling equipment repair and installation. AES did not send to EPA a notification of its intention to exceed 45-day deadline established in Part 4.3.2 of the MSGP, the rationale for an extension of time and a completion date for the placement of operation of the automatic sampling equipment.

AES-PR Response: The Inspection letter indicates that the corrective action documentation, dated July 31, 2017, specifies that a stormwater concrete channel repair was completed on August 21, 2017[6] and that this corrective action was based on the finding documented in the Storm Water Industrial Routine Facility Inspection Form that AES-PR prepared for the Routine Facility Inspection conducted on March 23, 2017, July 21, 2017 and August 11, 2017. See, Inspection Letter on page 10.

AES-PR would like to point out that the facility inspections conducted on March 23, 2017 and August 11, 2017 do not contain any findings related to the repair of a stormwater concrete channel. AES-PR also points out that there was no Routine Facility Inspection conducted on July 21, 2017 but an EPA Inspection performed by Mr. José A. Rivera. See, **Attachment 15** and **Attachment 12**.

The Inspection Letter also states that the corrective action documentation, dated November 15, 2017, indicates that soils stabilization with crushed stone in four different areas (e.g. cooling tower) of the Facility was established; coal pile regrading and maintenance of buffer zone between pile and stormwater channel was required; and that sampling equipment needs repair.

AES-PR hereby clarifies that the information provided in the Inspection letter to this regard is incorrect. The November 15, 2017 corrective action indicates that the coal pile re-grading and buffer zone maintenance were completed immediately and documented under "Immediate Actions" on the corrective action documentation. See, **Attachment 16**. Additionally, the Corrective Action Documentation does not indicate that sampling equipment needed repair.

On the other hand, AES-PR notes that the corrective actions documentation form has been revised to clarify completion dates information and AES-PR's notification responsibilities to

[6] The Inspection letter indicates that the completion date was July 21, 2017. However, this information is not accurate because the actual completion date was August 21, 2017 as expressed in the corrective action documentation.

EPA (including intentions to exceed the 45-day timeframe extension under Part 4.3.2 of the MSGP, the rationale for an extension of time and a completion date).

- ***Review of Records. 7.d.6. Corrective Actions.***
  - AES has not taken samples at the sampling point 001 once the sampling equipment became nonoperational.

AES-PR Response: AES-PR has not sampled Outfall 001 after the April to June 2017 monitoring period because it was in compliance with the benchmark numerical value.

Sampling equipment repair and installation was completed on October 24, 2018. See, **Attachment 17**.

- ***Review of Records. 7.e.1-6. Benchmark Monitoring.***
  - AES did not take a stormwater sample at Outfall 001 during the July to September 2016 monitoring period. AES representatives indicated that the sample was not taken because the automatic sampling equipment was out of service.

AES-PR Response: Outfall 001 was not sampled during the July to September 2016 monitoring period because there was not a stormwater event that resulted in a measurable amount of precipitation during regular daytime work hours (i.e., 8:00a.m. to 4:00 p.m., Monday to Friday.) Rainfall data for the third quarter of 2016 is provided herein. See, **Attachment 18**. If additional information regarding this data is needed, let us know and we will provide it promptly.

- ***Review of Records. 7.e.7-17. Benchmark Monitoring.***
  - The Iron average concentration for the four monitoring values in 2016 and the first quarter of 2017 at Outfall 001 was 1.08 mg/L, which is higher than the benchmark value of 1.0 mg/L.21 The Iron average concentration for the four monitoring values in 2016 at Outfall 002 was 4.78 mg/L, which is higher than the benchmark value of 1.0 mg/L.22 A review of the Iron average concentration for the four monitoring values at Outfall 002 was 4.31 mg/L in 2017, which is higher than the benchmark value of 1.0 mg/L. AES has not conducted benchmark monitoring at Outfall 001 after the April to June 2017 monitoring period.

AES-PR Response: AES did not conduct benchmark monitoring of Outfall 001 after the April to June 2017 monitoring period because it was in compliance with the benchmark numerical value. AES-PR hereby requests clarification and guidance from the EPA on rounding-off significant figures of laboratory results.

With regards to Footnote 21, included in the Inspection letter, please note that the benchmark value included in Part O1 of the MSGP does not include two decimal places. Rounding off decimals is not a standard method provided in the MSGP to calculate benchmarks. See, Table 8.O.1 of the MSGP.

- ***Review of Records. 7.f. Stormwater Pollution Prevention Plan***
  - The SWPPP does not include an updated selection, design, installation, and implementation of the control measures to determine to address Iron at Outfall 001 and Outfall 002. The Pollution Prevention Team Members list in Worksheet 1 of the SWPPP has not been updated.

AES-PR Response: The 2017 SWPPP did not include additional control measures to address Iron in Outfall 001 because, as stated above, Outfall 001 was in compliance with the benchmark numerical value of 1.0 mg/L. AES-PR has contacted a consultant to conduct a hydrologic/hydraulic (HH) study to address in more detail EPA's recommendation to address the Iron concentration being detected at Outfall 002 – to "catching the first flush." The study is aimed at determining the runoff volume resulting from 2, 5 and 10 year-storm events and to make recommendations as to capturing the "first flush"; this, again, as recommended by EPA. The study is expected be completed in about 120 days.

The Pollution Prevention Team Members list has been updated and it is included in **Attachment 19.**

- ***Review of Records. 7.g. Annual Report.***
  - The EPA Inspector did not find in ICIS the annual report that AES was required to submit for the October 1, 2015 to December 31, 2016 reporting period.

AES-PR Response: The annual report was submitted through ICIS within the applicable timeframe. Documentation evidencing submission is attached. See, **Attachment 20**.

- ***Review of Records. 7.h. Other Comments on the Review of Records.***
  - The Procedure does not discuss manual monitoring, and has not been updated based on the MSGP.

AES-PR Response: Section VIII of the March 29, 2017 version of the SOP includes a discussion regarding manual sampling of outfalls as needed. See, **Attachment 21**.

- ***Walkthrough of the Facility. 8.a. Outfall 002***
  - It was confirmed that the automatic sampling equipment was not available. The sampling point for Outfall 002 lacked good housekeeping, as it contained debris, sediments, vegetation and other floating materials. The discharge location into wetlands lacked good housekeeping.

AES-PR Response: Sampling equipment repair and installation was completed on October 24, 2018. See, **Attachment 17**. Cleaning activities using the vacuum truck and water truck and replacement of stormwater grating drain guards was performed as part of Housekeeping actions at Outfall 002 on October 25, 2018. See, **Attachment 22**. Please note that the SWPPP BMP Matrix has been revised to include weekly inspection and maintenance of stormwater outfalls See, **Attachment 23**.

- ***Walkthrough of the Facility. 8.b. Agremax Pile.***
  - During the walkthrough, the EPA Inspector did not observe any spraying nozzles in operation to control dust. Mr. Gonzalez indicated that three (3) of the nine (9) nozzles were undergoing repairs or replacement.

AES-PR Response: The SWPPP provides for the "use of mobile sprinkler guns and water truck with water cannon at the manufactured aggregate stockpile area" as part of the procedure to minimize the generation of fugitive dust and the tracking of pollutants. (See, March 2017 SWPPP on page 23). As outlined in the EPA-approved Dust Control Plan, water spraying nozzles are activated at night, to wet the Agremax pile while it is inactive so a protective crust forms in preparation for the daytime activities. For practical reasons, the nozzles cannot be activated while the Agremax pile is operational and only the daytime disturbed areas of the Agremax pile *e.g.* access roads and loading / unloading locations, are actively wetted using a water truck. The location of the nozzles available at any time is alternated and supplemented with the water truck to ensure adequate wetting to account for the nozzles that are not in use, so that complete wetting of the Agremax pile, including the area next to the limestone storage dome, is achieved. This procedure complies with the SWPPP requirements and has proven to be effective. Furthermore, the quantity of spraying nozzles to be used at a certain time depends on the condition of the Agremax pile. AES-PR utilizes more or less water spraying nozzles depending on the conditions, identified by AES-PR personnel, of the Agremax pile. The inability to use three of the nine nozzles did not hinder the SWPPP and Dust Control Plan's sediment control purpose- to wet the Agremax pile so a protective crust forms and eliminates or minimizes the production of fugitive dust.

- ***Walkthrough of the Facility. 8.b. Agremax Pile.***
  - The accumulation and storage at Agremax pile expanded to the west side of the pile to a point in which the pile is in direct contact with the storage dome.

AES-PR Response: We are uncertain as to what the objective of this statement is. However, we offer the following response: the fact that the Agremax pile extended to the west side does not negatively affect the control measures included in the SWPPP and the Dust Control Plan to prevent discharges and minimize the generation of fugitive dust.

The Agremax Pile and the storage dome are surrounded by a concrete channel that collects the runoff at the Agremax Pile area. Any rainwater captured in this area goes straight to the concrete channel which directs the water to the Coal-Pile Runoff Pond that collects non-industrial storm water runoff from the Agremax Pile and the limestone storage dome area and it is not discharged through any of the regulated outfalls. Instead, the water goes to the 18 Million Gallon Pond to be further used for operational purposes.

- ***Walkthrough of the Facility. 8.b. Agremax Pile.***
  - The super silt fence placed over the gabion structure along the east side of the Agremax pile was in disrepair.

AES-PR Response: The fabric placed over the gabion structure that hems the Agremax pile is not a super silt fence; it is a geotextile that is used as a secondary dust control measure and reduces the migration of fine particles into the interstices of the gabion rocks. At the time of the inspection, replacement of the geotextile on the outside of the gabion structure observed by the EPA inspector was ongoing. Installation of the new geotextile material over the gabion structure was completed on September 26, 2018. See, **Attachment 24**.

AES-PR would like to note that in the event runoff occurs from the Agremax Pile, the runoff water is collected by the concrete channel that surrounds the Agremax Pile which directs the water to the Coal-Pile Runoff Pond and it is not discharged at any time. Thus, the control measures that prevent a discharge (in this case the concrete channel and the Pond), were not compromised during the period of time in which the gabion rocks were not covered by geotextile material.

- ***Walkthrough of the Facility. 8.b. Agremax Pile.***
  - Most of the top areas of the CCR storage pile were not wet, covered with small particles, and dust was emitting into the air. Also, a large portion of the slopes on the north, west and south areas of the Agremax pile were not wet.

AES-PR Response: As previously explained, water spraying nozzles are activated at night to wet the Agremax pile while it is inactive so a protective crust forms in preparation for the daytime activities. For practical reasons, the nozzles cannot be activated while the Agremax pile is operational and only the daytime disturbed areas of the Agremax pile e.g. access roads and loading / unloading locations are actively wetted using a water truck. Even if not wet, undisturbed crusted areas are not a significant source of fugitive dust. As outlined in the EPA-approved Dust Control Plan, which AES-PR is abiding by, water spraying nozzles are activated at night, to wet the Agremax pile while it is inactive so a protective crust forms in preparation for the daytime activities. This procedure has proven to be effective and complies with the SWPPP requirements. The fugitive dust that might escape while the area is disturbed is not expected to reach Outfalls 002 and 003. The runoff that might be produced by the Agremax pile is collected by the concrete channel that surrounds the Agremax Pile which directs the water to the Coal-Pile Runoff Pond and it is not discharged at any time. The runoff water that is collected in the Coal-Pile Runoff Pond is later transferred to an 18 million gallon pond (no-discharge pond) to be used for industrial operations at the Facility.

- ***Walkthrough of the Facility. 8.b. Agremax Pile.***
  - The berms located along the roadway to the top of the Agremax pile were observed with thin and loose Agremax, and very dry. The Inspector observed dust emission when heavy equipment transited thru the roadway.

AES-PR Response: Dust particles are intrinsically expected to be present on the Agremax access road berms as a result of fallout from moving equipment and constant traffic disturbing the windswept road surface during hot days. As previously discussed, dry surfaces are not necessarily a source of fugitive dust if crusted and not disturbed.

AES-PR has maintained the road berms with the Agremax aggregate to form a barrier from the runoff water and to protect the trucks from the inclined slope of the roadway. The loose Agremax that accumulates along the berms is incidental to the operations within the Agremax pile and the movement of trucks on the roadway. However, AES-PR notes that any stormwater runoff produced by the Agremax Pile goes straight to the concrete channel which directs the water to the Coal Pile Runoff Pond and it is not discharged.

On the other hand, the nature of any dust exposure experienced by the EPA inspector was incidental and occupational in nature as a result of him coming in close proximity to moving equipment. This effect is not expected to cause fugitive dust events capable of polluting a sotormwater discharge through the regulated outfalls at the facility.

- ***Walkthrough of the Facility. 8.b. Agremax Pile.***
  - A water-mounted tank truck was observed spraying water in areas where the CCR was being deposited at the top of the storage pile. Picture 10 depicts the truck, a spraying nozzle (not in service), and loose and dry CCR at the top of the storage pile. Picture 11 depicts a spraying nozzle (not in service); and dry, loose and small CCR particles at the top of the storage pile. Picture 12 depicts the added roadway on the northwest side, a slope showing dry conditions, the coal pile and the dome.

AES-PR Response: This statement is not identified as a finding in the Inspection Letter, however we provide the following response: The SWPPP provides for the "use of mobile sprinkler guns and water truck with water cannon at the manufactured aggregate stockpile area" as part of the procedure to minimize the generation of fugitive dust and the tracking of pollutants. (See, March 2017 SWPPP on page 23). As outlined in the EPA-approved Dust Control Plan, water spraying nozzles are activated at night, to wet the Agremax pile while it is inactive so a protective crust forms in preparation for the daytime activities. For practical reasons, the nozzles cannot be activated while the Agremax pile is operational and only the daytime disturbed areas of the Agremax pile *e.g.* access roads and loading / unloading locations, are actively wetted using a water truck. The location of the nozzles available at any time is alternated and supplemented with the water truck so that complete wetting of the Agremax pile is achieved. This procedure complies with the SWPPP requirements and has proven to be effective.

AES-PR utilizes more or less water spraying nozzles depending on the conditions, identified by AES-PR personnel, of the Agremax pile. The inability to use three of the nine nozzles did not hinder the SWPPP and Dust Control Plan's sediment control purpose- to wet the Agremax pile so a protective crust forms and eliminates or minimizes the production of fugitive dust.

AES-PR notes that any stormwater runoff produced by the Agremax Pile goes straight to the concrete channel which flows the water to the Coal Pile Runoff Pond where it is stored and not discharged, thus it does not reach any of the Outfalls surrounding the Facility.

- ***Walkthrough of the Facility. 8.c. Diesel Tank Secondary Containment.***
  - The diesel tank secondary containment lack good housekeeping practices, had a light-green colored water accumulation, and Agremax was stockpiled along the top of the concrete berm.

AES-PR Response: The accumulation of water observed in the diesel fuel storage tank secondary containment structure was relatively minimal compared with the available spill retention volume and did not effectively hinder the structure's main purpose or capacity of containment of a diesel fuel spill. The accumulation of Agremax along the top of this structure is incidental, limited to the sides abutting the Agremax stockpile and cleaned periodically. The Diesel Tank Secondary Containment was cleaned on October 5, 2018. See, **Attachment 25**.

Additionally, please note that the Diesel Tank Secondary Containment is located within an area surrounded by the concrete channel of the Agremax storage pile. Thus, in the unlikely event of an overfill, the excess water will be conveyed through the concrete channel that flows the water to the Coal Pile Runoff Pond which is a no-discharge pond that collects runoff from the Agremax pile area and is later used for industrial operations in the Facility.

- ***Walkthrough of the Facility. 8.d. Storm Inlet (Catch Basin).***
  - The inlet was surrounded with significant accumulation of sediment, which resulted from an excavation that was not provided with erosion control. Also, sediment and dust accumulation were observed in the roadway towards the Agremax pile.

AES-PR Response: As described in the Inspection letter, the catch basin was equipped with an inlet protection. The catch basin is routinely inspected and maintained per the requirements of Part IV. Section E of the SWPPP. On October 25, 2017 gravel was installed for erosion control at the excavation area. On October 26, 2017 a stormwater drain guard was replaced at the inlet located west of the limestone silos, cleaning activities were performed and stormwater stone bags were installed at the inlet located west of the limestone silos. See, **Attachment 26**.

- ***Walkthrough of the Facility. 8.d. Storm Inlet (Catch Basin).***
  - The dirt road entrance to the cooling tower had exposed soil and lacked soil stabilization in several areas. The EPA Inspector did not see the sweeper-mounted vehicle in operation during the walkthrough of the Facility.

AES-PR Response: The aggregate cover of the facility's unpaved roads is replenished periodically.

The sweeper equipment is not operational and requires replacement. Replacement parts for this equipment are currently unavailable in the market. Meanwhile, paved areas are cleaned with water hoses and the residues removed using a vacuum truck. The Dust Control Plan has been revised to include this alternative control. See, **Attachment 27**.

Gravel installation at the dirt road entrance to the cooling towers was performed on October 26, 2018. See, **Attachment 28**.

III. Conclusion

Finally, AES-PR expects that the documents and information included herein serve to demonstrate the Facility's compliance with the MSGP requirements "to the fullest extent practicable" and "to the best of its ability" during the 12 month period following the impact of Hurricanes Irma and Maria. We remain available to provide any additional documents or information that may be necessary to address EPA's observations within the Inspection letter.

If you have any questions or require additional information please feel free contact me at (787) 866-8117 ext. 2212.

Cordially,

Manuel Mata
President